

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Aaron Q. Ingram,

Plaintiff,

v.

Kevin McMahon, et al.,

Defendants.

Case No. 2:24-cv-00069-CDS-DJA

Order

This matter is before the Court on *pro se* inmate Plaintiff Aaron Q. Ingram's application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 (ECF No. 1). Plaintiff's application to proceed *in forma pauperis* is not on the Court's approved form. Instead, it is on the form for state court. However, Plaintiff has filed his application in federal court and must thus use the federal form. Under Nevada Local Special Rule (LSR) 1-1, applications to proceed *in forma pauperis* "must be made on the form provided by the court."¹ The Court will therefore deny the application to proceed *in forma pauperis* without prejudice for Plaintiff to re-file a complete application on the correct form or to pay the filing fee.

Plaintiff has also filed two motions to amend the complaint, which appear to supplement, rather than replace the initial complaint. (ECF No. 3) (titled "motion to amend"); (ECF No. 4) (titled "motion to correct"). The Court will not piecemeal Plaintiff's complaint together from multiple filings. Plaintiff's operative complaint must contain all claims, attachments, and requests for relief that Plaintiff wishes the Court to consider. Accordingly, the Court gives Plaintiff leave to file a single, complete, amended complaint. If Plaintiff does not file an amended

¹ LSR 1-1 refers to the Court's local rule on applications to proceed *in forma pauperis*. The Court's local rules may be accessed on the Court's website, <https://www.nvd.uscourts.gov/court-information/forms/>

1 complaint, the Court will screen the initial complaint and will not consider any of exhibits and
2 changed requests for relief included in Plaintiff's two motions to amend.

3 If Plaintiff chooses to file an amended complaint, he is advised that an amended
4 complaint supersedes (replaces) the original complaint, and previously filed amended complaints,
5 and, thus, the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v.*
6 *Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that "[t]he fact that a
7 party was named in the original complaint is irrelevant; an amended pleading supersedes the
8 original"); *see also Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for
9 claims dismissed with prejudice, a plaintiff is not required to reallege such claims in a subsequent
10 amended complaint to preserve them for appeal). Plaintiff's amended complaint must contain all
11 claims, defendants, factual allegations, attachments, and requested relief that Plaintiff wishes to
12 pursue in this lawsuit. Moreover, Plaintiff must file his amended complaint on this Court's
13 approved prisoner civil rights form, which the Court will mail to him.

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15 **IT IS THEREFORE ORDERED** that Plaintiff's application to proceed *in forma*
16 *pauperis* (ECF No. 1) is **denied without prejudice**.

17 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to mail Plaintiff
18 a copy of this order and the form application for an inmate to proceed *in forma pauperis* and its
19 accompanying instruction packet.

20 **IT IS FURTHER ORDERED** that Plaintiff shall have until **April 1, 2024** to either:
21 (1) file a complete application to proceed *in forma pauperis* in compliance with 28 U.S.C.
22 § 1915(a)(1) and LSR 1-1; or (2) pay the full \$405 filing fee, which includes the \$350 filing fee
23 plus the \$55 administrative fee. **Plaintiff is advised that failure to comply with this order will**
24 **result in a recommendation to the district judge that the case be dismissed.**

25 **IT IS FURTHER ORDERED** that Plaintiff is granted leave to file a single, complete,
26 amended complaint. If Plaintiff chooses to file an amended complaint, Plaintiff must file that
27 amended complaint on or before **April 1, 2024**. If Plaintiff chooses to file an amended complaint,
28 he must use the approved form and check the box for First Amended Complaint.

1 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send Plaintiff
2 the following:

- 3 • The approved form for filing a civil rights complaint by an inmate and the instructions for
4 the same;²
- 5 • A copy of Plaintiff's original complaint (ECF No. 1-1);
- 6 • A copy of Plaintiff's motion to amend his complaint (ECF No. 3); and
- 7 • A copy of Plaintiff's motion to correct his complaint (ECF No. 4).

8 **IT IS FURTHER ORDERED** that if Plaintiff does not timely file an amended
9 complaint, the Court will screen the original complaint (ECF No. 1-1) and will not consider the
10 allegations, attachments, or changes included in Plaintiff's motions to amend the complaint (ECF
11 Nos. 3, 4).

12 **IT IS FURTHER ORDERED** that Plaintiff's motion to amend (ECF No. 3) and motion
13 to correct (ECF No. 4) are **denied**.

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15 DATED: February 29, 2024



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17 DANIEL J. ALBREGTS
18 UNITED STATES MAGISTRATE JUDGE

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28 ² This form can also be found on the Court's website at <https://www.nvd.uscourts.gov/court-information/forms/> under the code 42.1983.